

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LINDA BROOKS,

Plaintiff,

V.

LAW OFFICE OF SAM STREETER,
P.L.L.C., et al.,

Defendants.

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1:06-CV-0062-MEF-DRB

ORDER ON MOTIONS

For good cause after review of the *Motion to Quash Plaintiff's Notice of Deposition and Motion for Protective Order* filed November 8, 2006, by the Defendant Law Office of Sam Streeter (Doc. 20), and in light of the emergency need for judicial resolution of a conflict involving a party's deposition recently noticed for November 16, it is, for good cause, **ORDERED** as follows:

1. The *Motion to Quash Plaintiff's Notice of Deposition* is GRANTED only to the extent that Attorney Sam Streeter is hereby RELIEVED from compliance with the Notice served to him on November 6, 2006, directing his appearance from Houston, Texas, to Birmingham, Alabama, for an oral deposition on November 16, 2006.

2. Defendant's *Motion for Protective Order* is *DENIED* to the extent of its request for an Order directing that his deposition be taken by video conference not sooner than 30 days after Plaintiff's compliance with outstanding discovery. As no Motion is pending before this court for relief from any past-due discovery, the court declines the invitation to link any order modifying a noticed deposition with an order compelling discovery.

3. The parties are INSTRUCTED to confer by counsel not later than November 13, 2006, for a reasonable and mutually convenient date and place for the taking of Defendant Streeter's oral deposition. The parties shall also discuss – and attempt to resolve – all issues regarding incomplete or failed discovery from either party.

4. This matter is *set for further consideration in a telephone conference with counsel*, to be arranged by the movant counsel for defendants, at 3:00 p.m. on Thursday, November 16, 2006. The court shall receive a report on the parties' conference, receive their arguments regarding unresolved issues, and proceed to make any final rulings which are appropriate. If no matter requires judicial attention, movant counsel shall provide notice by noon on November 16, to the court's judicial assistant, in which case the telephone conference will be cancelled.

DONE THIS 9TH DAY OF NOVEMBER, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE